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40-064

MEMORANDUM

4 January 1951

TO : General Counsel

OGC HAS REVIEWED.

THROUGH: The Comptroller

FROM : Finance Branch

SUBJECT: Foreign Leave Differential

1. Reference is made to Comptroller General's Decision No. B-84147, dated 6 April 1949, which pertains to transfer from a foreign leave differential position to a position in the U. S. Following is the synopsis of the decision:

"An employee stationed outside continental U. S. and having an accumulation of annual leave in excess of the 480-hour maximum accrual allowable in the U. S. by virtue of a foreign leave differential permitting a maximum accrual of 720 hours would be entitled, upon transfer to a position within the U. S. on December 20, 1947, to be credited with the amount of leave to his credit on Jan. 1, 1947, plus any unused accruals up to the date of transfer (subject to the 720-hour maximum), but such accumulation cannot be increased while in the U. S. by subsequent accruals. See 27 Comp. Gen. 120."

2. This office has interpreted the above decision as applying to transfer from foreign leave differential positions to positions without foreign leave differential, [without regard as to whether or not both positions are in the same agency.] — ?

An example is that of a Department of Army employee on duty overseas authorized to accumulate 104 days leave and while overseas is transferred to this Agency. Based on our interpretation of the above decision, the employee could transfer to this Agency the amount of leave accumulated as of the date of transfer up to 104 days even though this Agency does not have a foreign leave differential. Also, this amount of leave could be transferred to either a U. S. or foreign post position. If the amount so transferred exceeds the amount which employees of this Agency can accumulate, it would constitute his maximum leave accumulation while on duty with this Agency. Furthermore, the employee would be allowed to use leave currently accruing and, if not used by the end of the calendar year, he would forfeit all leave in excess of the amount transferred to this Agency, which represents his maximum leave accumulation.

3. Please advise whether you concur in the above interpretation.

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Acting Chief, Finance Division